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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/032,741	10/22/2001	Shu-Ichi Yamaguchi		6395

7599 06/08/2004  
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EXAMINER

GOFF II, JOHN L.

ART UNIT

PAPER NUMBER

1733

DATE MAILED 06/08/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Advisory Action

Application No.

10/032,741

Applicant(s)

YAMAGUCHI ET AL

Examiner

John L. Goff

Art Unit

1733

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

THE REPLY FILED 26 April 2004 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

## PERIOD FOR REPLY (check either a) or b))

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.  
 b) ☐ The period for reply expires on (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.  
 ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 705 07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on \_\_\_\_\_. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.  
 2. ☐ The proposed amendment(s) will not be entered because:  
 (a) ☐ they raise new issues that would require further consideration and/or search (see NOTE below);  
 (b) ☐ they raise the issue of new matter (see Note below);  
 (c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or  
 (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: \_\_\_\_\_

3. ☐ Applicant's reply has overcome the following rejection(s): \_\_\_\_\_.  
 4. ☐ Newly proposed or amended claim(s) \_\_\_\_\_ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).  
 5. ☒ The a) ☐ affidavit, b) ☐ exhibit, or c) ☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because: See Continuation Sheet.  
 6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.  
 7. ☒ For purposes of Appeal, the proposed amendment(s) a) ☐ will not be entered or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: \_\_\_\_\_

Claim(s) objected to: \_\_\_\_\_

Claim(s) rejected: 2 and 4

Claim(s) withdrawn from consideration: \_\_\_\_\_

8. ☐ The drawing correction filed on \_\_\_\_\_ is a) ☐ approved or b) ☐ disapproved by the Examiner.  
 9. ☒ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). 3/12/04.  
 10. ☐ Other: \_\_\_\_\_

Continuation of 5 does NOT place the application in condition for allowance because:

Regarding the "REQUEST TO WITHDRAW FINALITY OF FINAL REJECTION AS PREMATURE" received 3/29/04, it is noted the rejection of Wood in view of Straughan and either one of Ganser or Bliss is not a new grounded rejection as the references to Straughan Ganser, and Bliss were supplied specifically in view of the request by applicant for references in the response received 12/8/03. See MPEP 2144.03.

Regarding applicants arguments that claim 2 requires laminating the rubber sheet and substrate film during the laying and abutting step, it is noted the claims require forming a "composite" of the rubber sheet and substrate film. The term "composite" merely requires distinct components and does not require laminated layers such that applicants arguments are not commensurate in scope with what is claimed.

Regarding applicants arguments that Ganser does not suggest a two step process including a vulcanizing step, it is noted Ganser is cited merely as evidence that it is well known in the art to supply a belt to an inflatable mandrel wherein the belt is in the form of a tubula blank, i.e. the belt is built up prior to being placed on the mandrel.

Regarding applicants arguments that Bliss does not teach the layers of belt lay up are "laminated" prior to placement on the mandrel as noted above the claims are not commensurate in scope with this argument.

It is noted the IDS received 3/12/04 has been considered and an initialed copy is attached to this action.

  
John L. Goff  
571-272-1216

  
JEFF H. AFTERGUT  
PRIMARY EXAMINER  
GROUP 1300